

1
2 BILL NO. G-75-08-10 (as amended).

3 GENERAL ORDINANCE NO. G-25-25.

4 AN ORDINANCE providing for the incorporation of a
5 quasi-public corporation to be known as the
6 Neighborhood Care, Inc., providing for the
7 selection of its Board of Directors and
8 defining its powers and duties

9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
10 WAYNE, INDIANA:

11 SECTION 1. A not-for-profit corporation shall be organized in
12 accordance with the provisions of this Ordinance under Chapter 246 of the
13 Indiana Acts of 1921, as amended, the name of which shall be "Neighborhood
14 Care, Inc.". Such corporation shall be a quasi-public corporation of the City of
15 Fort Wayne, within the meaning of Chapter 229 of the Acts of 1957, as amended,
16 and the territorial jurisdiction of such corporation shall be deemed coextensive
17 with the territorial jurisdiction of the City of Fort Wayne.

18 SECTION 2. Such corporation shall conduct its activities, and
19 allocate its resources in such manner that its programs are primarily for the
20 benefit of persons and families of low and moderate income.

21 SECTION 3. Such corporation shall carry out its activities within
22 its territorial jurisdiction as defined herein, and shall be organized and operated
23 for the following specific purposes:

24 (a) To provide technical services, and other consultative
25 services, and assistance at reasonable fees, to assist profit and nonpro-
26 fit sponsors of housing construction or rehabilitation for low and moder-
27 ate income occupancy in the development and management of such
28 housing;
29

30 (b) To serve as interim sponsor-developer/mortgagor
31 of new or rehabilitated housing units until conveyance to appropriate
32 permanent sponsor-mortgagors, or as permanent sponsor-developer/
33 mortgagor of such housing until such conveyance occurs, with
34 emphasis upon facilitating homeownership by persons and families
35 of low and moderate income;

(c) To provide financial and technical assistance to owners and purchasers of real property for the purchase, restoration, reconstruction, rehabilitation and improvement of real property;

(d) To promote, assist and fund special purpose programs, including home-ownership counseling, maintenance and family budget counseling, for the strengthening of family stability, neighborhood conservation, and to combat neighborhood and community deterioration;

(e) To foster and promote the rehabilitation of residential and mixed-use properties;

(f) To promote the establishment of local housing sponsor, development and management organizations;

(g) To promote education, training and counseling programs in residential housing construction and management skills for sponsors of housing, and for other persons now unskilled or semi-skilled, presently employed or underemployed with emphasis on expanding employment opportunities in the home-building and construction industries;

(h) To promote responsible ownership, management and entrepreneurship in the contracting and sub-contracting residential housing construction industry, with emphasis upon developing ownership ventures in innercity areas, owned and operated by local residents;

(i) To promote proven and innovative techniques, programs and attempts by private industry, financial institutions and others to design, construct, remodel and rehabilitate and finance housing of long-term durability.

SECTION 4. Such corporation, in furtherance of the specific purposes herein stated shall have the following powers:

(a) To enter into such contracts, cooperative agreements and working relationships as may reasonably be required to effectuate the purposes and programs of the corporation;

1 (b) To establish such policies and procedures as will
2 effectuate the purposes of the corporation and provide financial and
3 program accountability and responsibility;
4

5 (c) To employ for the purpose of carrying out any of its
6 purposes and functions such personnel as may be assigned to it from
7 time to time by any department or agency of the City of Fort Wayne;
8

9 (d) To borrow money and to issue, sell or pledge its
10 obligations and evidences of indebtedness, and to mortgage its
11 property and franchises to secure the payment thereof;
12

13 (e) To invest and re-invest all monies, both principal and
14 income, in interest-bearing and non-interest bearing accounts, mortgages,
15 notes, land-contracts, stocks, bonds, and other securities as may be
16 allowed by the laws of the State of Indiana;
17

18 (f) To receive and expend such amounts as may be appro-
19 priated from time to time by the Common Council of the City of Fort Wayne
20 to carry out any of its purposes and functions, and to receive from any
21 person, firm, association, corporation, or governmental agency by grant
22 gift, devise, bequest or otherwise any money or property, absolutely or
23 in trust, either the principal or income from which may be used in accor-
24 dance with the terms of any such grant or gift in furtherance of any of
25 the purposes and functions of the corporation assets forth herein;
26

27 (g) To establish, and administer revolving loan funds, and
28 reserve, contingency and sinking funds as may reasonably be required
29 to effectuate the purposes of the corporation;
30

31 (h) To acquire, by purchase, lease, gift, donation, or
32 otherwise, land and properties, and to improve, demolish, move or re-
33 move, reconstruct, rehabilitate, renovate and remodel properties and
34 to retain, lease, sell or otherwise dispose of, for cash or debt, land
35 and properties; and

(i) Generally, to do all and similar things necessary and appropriate to the purposes and functions of the corporation.

SECTION 5. The membership of the corporation shall be composed of and shall be identical to its board of directors, which board of directors shall govern the business and affairs of the corporation and shall consist of eleven (11) members composed of two (2) divisions designated in the manner herein described.

The Public Directors shall be the following seven (7) persons:

- (a) The Mayor of the City of Fort Wayne, Indiana or his designated representative.
- (b) The Director of the Department of Community Development and Planning of the City of Fort Wayne.
- (c) The Director of the Division of Current Planning of the Department of Community Development and Planning of the City of Fort Wayne.
- (d) The Director of the Division of Housing Planning of the Department of Community Development and Planning of the City of Fort Wayne.
- (e) The Director of the Division of Neighborhood Preservation of the Department of Community Development and Planning of the City of Fort Wayne, who shall also be the Managing Director.
- (f) The Director of the Department of Human Resources or his designated representative.
- (g) The President of the Common Council or his designated Councilmanic representative.

The Community Directors shall be the following;

Four (4) persons appointed by the Mayor, who shall be experienced in housing, accounting, banking, law and real estate within the City of Fort Wayne.

SECTION 6. The Director of the Division of Neighborhood Preservation of the Department of Community Development and Planning of the City of Fort Wayne, shall be designated as the "Managing Director." The Managing Director shall also be the executive vice president of the corporation and its principal staff officer.

SECTION 7. The term of office of all members of the first Board of Directors shall expire on May 31, 1976; provided, that each Public Director shall be deemed re-elected for an additional term or terms of office so long as he continues to hold such public office or employment or until his resignation or replacement by the public official or body responsible for his selection. After the expiration of the terms of the first Board of Directors, the Com-

munity directors shall be appointed for such terms and in such manner as shall be designated by the By-laws of the corporation, which terms may expire at different times but which shall not continue for more than three (3) years.

SECTION 8. Any vacancy occurring in the Board of Directors shall be filled, if at all, for the unexpired term thereof in the same manner as set forth herein for the nomination and election of Directors, except that if a vacancy occurs in the office of Public Director, the Mayor shall fill such vacancy by appointment.

SECTION 9. The Board of Directors shall be authorized to appoint from among its membership an Executive Committee to consist of not more than five (5) members, at least one of which shall be a Community Director, with such powers as may be provided in the Articles of Incorporation, By-laws or resolution establishing such committee.

SECTION 10. No money or property received or held by the corporation shall ever inure, directly or indirectly, to the private benefit of any member, director or officer of the corporation, or any other person whomsoever except for reasonable compensation for services actually rendered to the corporation.

SECTION 11. The corporation established pursuant to this ordinance shall continue to exist until dissolved in accordance with the procedure prescribed by law. Dissolution proceedings may be initiated by a resolution adopted by the Board of Directors and approved by the Common Council of the City of Fort Wayne. In the event of dissolution all funds and assets of the corporation remaining after payment of its debts and obligations shall be disposed of in accordance with any requirements of the law under which the corporation is incorporated, and in accordance with provisions contained in the Articles of Incorporation.

SECTION 12. The corporation organized hereunder shall cooperate and engage in joint or cooperative projects to the maximum feasible extent, within the scope of the purposes of the corporation set forth in Section 3 with any

1 not-for-profit corporation organized for substantially similar purposes or carry-
2 ing out functions or programs similar to those of the Neighborhood Care, Inc.,
3 and which is operating in the City of Fort Wayne.

4
5 SECTION 13. The corporation shall submit to the Mayor of the City
6 of Fort Wayne an annual report of its activities, including its receipts and ex-
7 penditures, for each calendar year. Such report shall be submitted not later
8 than April 30 of the following calendar year and shall be made available to the
9 public.

10
11 SECTION 14. Upon adoption of this ordinance, the seven (7) Public
12 Directors shall serve as Incorporators, and shall prepare Article of Incorpora-
13 tion in appropriate form for filing with the Secretary of the State of Indiana
14 under the Acts of 1921, Chapter 246, which Articles of Incorporation
15 shall include all provisions required by this ordinance and such other
16 provisions as may be necessary or appropriate for the governance
17 and regulation of the affairs and business of the corporation. The
18 incorporators shall submit such Articles of Incorporation to the Common
19 Council of the City of Fort Wayne for its approval. Upon approval
20 of the Articles of Incorporation, the incorporators shall execute and
21 file such articles of incorporation with the Secretary of the State of
22 Indiana in the manner provided by law. The fees required by law
23 in connection with the organization of such corporation shall be paid
24 from funds appropriated to the Department of Community Development
25 and Planning.

26
27 SECTION 15. Any proposed amendment to the Articles
28 of Incorporation, approved by the Board of Directors and members
29 of the corporation in such manner as may be prescribed by law, shall
30 be approved by resolution to the Common Council of the City of Fort
31 Wayne prior to submission of any such amendment to the Secretary
32 of State of Indiana.

33
34 SECTION 16. This Ordinance shall be in full force and
35 effect from and after its passage, approval by the Mayor, and legal
~~publication thereof.~~

Read the first time in full and on motion by V. Schmidt, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: 8-12-75.

Charles W. Westernman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage.
Passed (EOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<u>7</u>	<u>1</u>		<u>1</u>	
BURNS	<input checked="" type="checkbox"/>				
HINGA	<input checked="" type="checkbox"/>				
KRAUS	<input checked="" type="checkbox"/>				
MOSES	<input checked="" type="checkbox"/>				
NUCKOLS	<input checked="" type="checkbox"/>				
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
SCHMIDT, V.	<input checked="" type="checkbox"/>				
STIER	<input checked="" type="checkbox"/>				
TALARICO				<input checked="" type="checkbox"/>	

Date: 8-26-75.

Charles W. Westernman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. B-25-75. on the 26th day of August, 1975.

ATTEST:

(SEAL)

Charles W. Westernman
CITY CLERK

James Stier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August, 1975, at the hour of 10:00 o'clock A. M., E.S.T.

Charles W. Westernman
CITY CLERK

Approved and signed by me this 27th day of August, 1975, at the hour of 2:00 o'clock P. M., E.S.T.

Jack Lutz
MAYOR

Bill No. G-75-08-10

REPORT OF THE COMMITTEE ON ADMINISTRATION AND STATE
Legislation LEGISLATION

We, your Committee on Administration & State to whom was referred an Ordinance

providing for the incorporation of a quasi-public corporation to be known

as the Neighborhood Care, Inc., providing for the selection of its Board of

Directors and defining its powers and duties

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS. AS AMENDED

John Nuckols - Chairman

Winfield C. Moses, Jr. - Vice-Chairman

William T. Hinga

Samuel J. Talarico

Eugene Kraus, Jr.

John Nuckols
Winfield C. Moses, Jr.
William T. Hinga
Eugene Kraus, Jr.

DATE 8-26-75 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

Motion

Page 3- Item B -

Line 3 & 4- To Delete -

To employ such
persons & staff
as may reasonably
be required to
effectuate the purposes
of the Corporation and
motion made by D.

Admits - seconded
by Burns -
yes no speak
THH " 1

(b) To employ such persons and staff as may reasonably be required to effectuate the purposes of the corporation ~~and to establish~~ such policies and procedures as will effectuate the purposes of the corporation and provide financial and program accountability and responsibility;

(c) To employ for the purpose of carrying out any of its purposes and functions such personnel as may be assigned to it from time to time by any department or agency of the City of Fort Wayne;

(d) To borrow money and to issue, sell or pledge its obligations and evidences of indebtedness, and to mortgage its property and franchises to secure the payment thereof;

(e) To invest and re-invest all monies, both principal and income, in interest-bearing and non-interest bearing accounts, mortgages, notes, land-contracts, stocks, bonds, and other securities as may be allowed by the laws of the State of Indiana;

(f) To receive and ~~expend~~ ^{the City of Fort Wayne} such amounts as may be appropriated from time to time ^{the money may be appropriated} by the Common Council of the City of Fort Wayne to carry out any of its purposes and functions, and to receive from any person, firm, association, corporation, or governmental agency by grant gift, devise, bequest or otherwise any money or property, absolutely or in trust, either the principal or income from which may be used in accordance with the terms of any such grant or gift in furtherance of any of the purposes and functions of the corporation assets forth herein;

(g) To establish, and administer revolving loan funds, and reserve, contingency and sinking funds as may reasonably be required to effectuate the purposes of the corporation;

(h) To acquire, by purchase, lease, gift, donation, or otherwise, land and properties, and to improve, demolish, move or remove, reconstruct, rehabilitate, renovate and remodel properties and to retain, lease, sell or otherwise dispose of, for cash or debt, land and properties; and

(i) Generally, to do all and similar things necessary and appropriate to the purposes and functions of the corporation.

SECTION 5. The membership of the corporation shall be composed of and shall be identical to its board of directors, which board of directors shall govern the business and affairs of the corporation and shall consist of ¹¹ nine~~=(9)~~ members composed of two (2) divisions designated in the manner here- in described.

⁷
The Public Directors shall be the following five ~~(5)~~ persons:

- (a) The Mayor of the City of Fort Wayne, Indiana or his designated representative.
- (b) The Director of the Department of Community Development and Planning of the City of Fort Wayne.
- (c) The Director of the Division of Current Planning of the Department of Community Development and Planning of the City of Fort Wayne.
- (d) The Director of the Division of Housing Planning of the Department of Community Development and Planning of the City of Fort Wayne.
- (e) The Director of the Division of Neighborhood Preservation of the Department of Community Development and Planning of the City of Fort Wayne, who shall also be the Managing Director.

The Community Directors shall be the following:

Four (4) persons appointed by the Mayor, who shall be experienced in housing, accounting, banking, law and real estate within the City of Fort Wayne.

SECTION 6. The Director of the Division of Neighborhood Preservation of the Department of Community Development and Planning of the City of Fort Wayne, shall be designated as the "Managing Director." The Managing Director shall also be the executive vice president of the corporation and its principal staff officer.

SECTION 7. The term of office of all members of the first Board of Directors shall expire on May 31, 1976; provided, that each Public Director shall be deemed re-elected for an additional term or terms of office so long as he continues to hold such public office or employment or until his resignation or replacement by the public official or body responsible for his selection.

After the expiration of the terms of the first Board of Directors, the Com-

not-for-profit corporation organized for substantially similar purposes or carrying out functions or programs similar to those of the Neighborhood Care, Inc., and which is operating in the City of Fort Wayne.

SECTION 13. The corporation shall submit to the Mayor of the City of Fort Wayne an annual report of its activities, including its receipts and expenditures, for each calendar year. Such report shall be submitted not later than April 30 of the following calendar year and shall be made available to the public.

SECTION 14. Upon adoption of this ordinance, the ~~five (5)~~⁷ Public Directors shall serve as Incorporators, and shall prepare Article of Incorporation in appropriate form for filing with the Secretary of the State of Indiana under the Acts of 1921, Chapter 246, which Articles of Incorporation in appropriate form for filing with the Secretary of the State of Indiana under the Acts of 1921, Chapter 246, which Articles of Incorporation shall include all provisions required by this ordinance and such other provisions as may be necessary or appropriate for the governance and regulation of the affairs and business of the corporation. The incorporators shall submit such Articles of Incorporation to the Common Council of the City of Fort Wayne for its approval. Upon approval of the Articles of Incorporation, the incorporators shall execute and file such articles of incorporation with the Secretary of the State of Indiana in the manner provided by law. The fees required by law in connection with the organization of such corporation shall be paid from funds appropriated to the Department of Community Development and Planning.

SECTION 15. Any proposed amendment to the Articles of Incorporation, approved by the Board of Directors and members of the corporation in such manner as may be prescribed by law, shall be approved by resolution to the Common Council of the City of Fort Wayne prior to submission of any such amendment to the Secretary of State of Indiana.

SECTION 16. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nichols
William J. Schmidt
Councilman

Memorandum

To Charles Westerman Date August 26, 1975
From Robert D. Colestock
Subject General Ordinance G-75-08-10

COPIES TO:

E. Owen Donnelly

This ordinance would create Neighborhood Care, Inc., as a vehicle for Urban Homesteading and the residential rehabilitation program.

Apparently a compromise has been effected regarding the membership of the Board of Directors; therefore in this ordinance, Section 5 and Section 14 would be amended to reflect that compromise.

Accordingly, I attach proposed Sections 4 and 14, and I suppose that these amended Sections would be introduced, as amended, to effectuate the compromise.

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Section 5. The membership of the corporation shall be composed of and shall be identical to its board of directors, which board of directors shall govern the business and affairs of the corporation and shall consist of ¹¹~~ten (10)~~ members composed of two (2) divisions designated in the manner herein described.

The Public Directors shall be the following ^{7.}~~six (6)~~ persons:

- (a) The Mayor of the City of Fort Wayne, Indiana or his designated representative.
- (b) The Director of the Department of Community Development and Planning of the City of Fort Wayne.
- (c) The Director of the Division of Current Planning of the Department of Community Development and Planning of the City of Fort Wayne.
- (d) The Director of the Division of Housing Planning of the Department of Community Development and Planning of the City of Fort Wayne.
- (e) The Director of the Division of Neighborhood Preservation of the Department of Community Development and Planning of the City of Fort Wayne, who shall also be the Managing Director.
- (f) The Director of the Department of Human Resources or his designated representative.

The Community Directors shall be the following:

Four (4) persons appointed by the Mayor, who shall be experienced in housing, accounting, banking, law and real estate within the City of Fort Wayne.

(g) *The President of the Common Council -
or his
or his designated Councilman's representative.*

Section 14. Upon adoption of this ordinance, the ⁷~~six~~ (6) Public Directors shall serve as Incorporators, and shall prepare Articles of Incorporation in appropriate form for filing with the Secretary of the State of Indiana under the Acts of 1921, Chapter 246, which Articles of Incorporation shall include all provisions required by this ordinance and such other provisions as may be necessary or appropriate for the governance and regulation of the affairs and business of the corporation. The incorporators shall submit such Articles of Incorporation to the Common Council of the City of Fort Wayne for its approval. Upon approval of the Articles of Incorporation, the incorporators shall execute and file such articles of incorporation with the Secretary of the State of Indiana in the manner provided by law. The fees required by law in connection with the organization of such corporation shall be paid from funds appropriated to the Department of Community Development and Planning.

DIGEST SHEETTITLE OF ORDINANCE General Ordinance No.*Amended*
*9-75-08-10*DEPARTMENT REQUESTING ORDINANCE Department of Community Development & Planning

SYNOPSIS OF ORDINANCE Creates "Neighborhood Care, Inc.", a quasi-govern-
mental corporation to assist in the residential rehabilitation program;
provides that incorporators submit proposed Articles of Incorporation
to Council for approval; names five (5) directors; provides that Mayor
names four (4) other directors; establishes purposes and powers of the
corporation.

EFFECT OF PASSAGE Allows creation of "Neighborhood Care, Inc.".EFFECT OF NON-PASSAGE Corporation not created.MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) NoneASSIGNED TO COMMITTEE (PRESIDENT) *Finnell*